

Chairman Vincent C. Gray
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill,
which was referred to the Committee on _____.

To amend the District of Columbia Comprehensive Merit Personnel Act of 1978 to
amend the Education Service personnel classification to reflect the changes
mandated by the Public Education Reform Amendment Act of 2007, to create at-
will employment positions within the Educational Service classification, to allow
the conversion of existing Educational Service employees to the amended
classification, to authorize the non-competitive conversion of existing Educational
Service employees outside existing collective bargaining units to the amended
Educational Service upon enactment, to allow immediate separation of designated
employees, and to ensure consistency in personnel laws among all District
agencies responsible for the delivery of quality education to District students.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Public Education Personnel Reform Amendment Act of
2007”.

Sec. 2. The District of Columbia Comprehensive Merit Personnel Act of 1978,
effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is
amended as follows:

1 (a) Section 801A (D.C. Official Code § 1-608.01a) is amended by striking the
2 term “Boards” wherever it appears and inserting the term “Board” in its place.

3 (b) Section 801A(a) (D.C. Official Code § 1-608.01a(a)) is amended to read as
4 follows:

5 “(a) For the purpose of this subchapter, the term “Board” means the Board of
6 Trustees of the University of the District of Columbia for educational employees of the
7 University of the District of Columbia.”.

8 (c) Section 801A(b) (D.C. Official Code § 1-608.01a(b)) is amended to read as
9 follows:

10 “(b) The Mayor and the Board shall each issue rules and regulations governing
11 the employment, advancement, and retention in the Educational Service, which shall
12 include all educational employees of the District of Columbia employed by the District of
13 Columbia Public Schools and the Board, respectively. The rules and regulations shall be
14 indexed and cross-referenced as to the classification and compensation system for
15 incumbents.

16 “(1) University of the District of Columbia. In keeping with the purpose
17 of this chapter, the Board of Trustees of the University of the District of Columbia shall
18 issue rules and regulations embodying principles of merit and equal employment
19 governing, among others, appointment, promotion, retention, reassignment, professional
20 development and training, classification, and salary administration (except as provided in
21 section 203, employee benefits, reduction-in-force, adverse actions, grievances, and
22 appeals, provided that such rules and regulations concerning adverse actions and

1 regulations covering adverse actions and appeals shall be consistent with titles V, VI, VII,
2 XVII-A and XVII.

3 “(2) District of Columbia Public Schools. An appointment to a position
4 within the District of Columbia Public Schools, excluding those employees appointed to
5 occupy or currently occupying a position included in a recognized collective bargaining
6 unit and those who were appointed before January 1, 1980, shall be an at-will
7 appointment. Employees appointed to at-will positions shall be given severance pay in
8 accordance with section 2409 upon separation for non-disciplinary reasons. The Mayor
9 shall issue rules and regulations which shall provide the following:

10 “(A) A positive recruitment program designed to meet current and
11 projected personnel needs;

12 “(B) Open competition for initial appointment to the service;

13 “(C) Appointment procedures designed to achieve maximum
14 objectivity, reliability, and validity through a practical assessment of attributes necessary
15 to successful job performance and career development as provided in title VII;

16 “(D) Appointments of persons made on the basis of merit by
17 selection from the highest qualified available eligible persons based on specific job
18 requirements, from appropriate lists or files established on the basis of the provisions of
19 subparagraphs (A), (B), and (C) of this paragraph with appropriate regard for affirmative
20 action goals and veterans preference as provided in title VII;

21 “(E) Establishment of programs, including trainee programs,
22 designed to attract and utilize persons with minimal qualifications, but with potential for
23 development, in order to provide career development opportunities for members of

1 disadvantaged groups, persons with disabilities, women, and other appropriate target
2 groups; and

3 “(F) Selections to the Educational Service of persons made in
4 accordance with equal employment opportunity principles as set forth in title VII.

5 “(3) Notwithstanding any other provision of law, the Mayor shall not issue rules
6 that require or permit non-school-based personnel or school administrators to be assigned
7 or reassigned to the same competitive level as classroom teachers.”.

8 (d) A new subsection (c-1) is added to read as follows:

9 “(c-1) A person currently holding an appointment to a position within the
10 Educational Service pursuant to section 801A, who is not a member of an existing
11 collective bargaining unit or who was not hired before January 1, 1980, at the discretion
12 of the personnel authority, may be appointed noncompetitively to the Educational Service
13 unless the employee declines the appointment. A person declining the appointment shall
14 be entitled to a written 15-day separation notice and shall be paid severance pay pursuant
15 to section 2409.”.

16 (e) A new subsection (e-1) is added to read as follows:

17 “(e-1) Separation of Incumbents from District of Columbia Public Schools.

18 “(1) Notwithstanding any other provision of law, the Mayor is authorized,
19 within the Mayor’s discretion, to identify incumbents employed within the Central Office
20 of the D.C. Public Schools, who are not in an existing collective bargaining unit and who
21 were not hired before January 1, 1980, for separation from service. The Mayor may, by
22 order, delegate any or all of the functions described in this subsection to the Chancellor,

1 or other designee, as warranted for an orderly procedure for the termination of the
2 employment of D.C. Public School Central Office employees.

3 “(2) As used in this subsection, the phrase “Central Office employee”
4 means any employee, except for principals, assistant principals, and employees under
5 their direction and control, of the District of Columbia Public Schools, wherever located
6 in the school system, who 1) as a management employee, as defined in section 1411(5),
7 reports to the Chancellor, Deputy Chancellor, or to any other employee who reports
8 directly to the Chancellor or 2) is under the supervision and control of, or within the
9 organizational unit of, such a management employee.

10 “(3) Notwithstanding any rights or procedures established by any other
11 provision of this act or by any other District law, rule, or regulation, any D.C. Public
12 School employee of the Central Office, who is terminated as a result of this section shall
13 be separated without competition, assignment rights, or retreat rights.

14 “(4) Each employee of the Central Office selected for separation pursuant
15 to this subsection shall be given written notice of the proposed separation at least 15 days
16 before the effective date of his or her separation.

17 “(5) Any determination that an employee shall be separated from the
18 Central Office pursuant to this subsection shall not be subject to any internal or
19 administrative review, except that the employee may file a complaint contesting the
20 determination or the separation pursuant to the procedure established by section 303 of
21 the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.
22 Official Code § 2-1403.03), federal law, or common law.

1 “(6) An employee separated from the Central Office pursuant to this
2 subsection is entitled to severance pay calculated in accordance with section 2409.

3 “(7) An employee separated pursuant to this subsection is not entitled to
4 re-assignment rights under either the Agency Reemployment Priority Program or the
5 Displaced Employee Program established pursuant to section 2400 of the District
6 Personnel Manual.

7 “(8) To the extent that the Mayor delegates power under paragraph (1) of
8 this subsection to the Chancellor, the Chancellor shall submit a listing to the Mayor of all
9 incumbents to be separated upon the delivery of separation notices to individual
10 employees.

11 “(9) For purposes of this subsection, veterans preference eligibility will be
12 retained, and defined in accordance with federal laws and regulations issued by the
13 United States Office of Personnel Management.

14 “(10) The provisions of this subsection shall be applicable also to the
15 separation of employees of the Office of Public Education Facilities Modernization and
16 the Office of the State Superintendent of Education transferred pursuant to the Public
17 Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9).”.

18 (f) Section 903(a)(4) (D.C. Official Code § 1-609.03(a)(4)) is amended by striking
19 the phrase “The District of Columbia Board of Education” and inserting the phrase “The
20 Mayor” in its place.

21 (g) Section 1111(a-1) (D.C. Official Code § 1-611.11(a-1)) is amended to read as
22 follows:

1 “(a-1) Notwithstanding any other provision of law, rule, or regulation, except for
2 the Chancellor and any Excepted Service employees appointed pursuant to section
3 903(a)(4), every employee of the District of Columbia Public Schools shall be:

4 “(A) Classified as an Educational Service employee;

5 “(B) Placed under the personnel authority of the Mayor; and

6 “(C) Subject to all rules of the District of Columbia Public Schools.”.

7 (h) Section 1709(b) (D.C. Official Code § 1-617.09(b)) is amended as follows:

8 (a) Paragraph (1) is amended by striking the phrase “Board of Education”
9 and inserting the phrase “Public Schools” in its place.

10 (b) A new paragraph (7) is added to read as follows:

11 “(7) Central Office employees of the District of Columbia Public
12 Schools. The phrase “Central Office employee” means any employee, except for
13 principals, assistant principals, and employees under their direction and control, of the
14 District of Columbia Public Schools, wherever located in the school system, who 1) as a
15 management employee, as defined in section 1411(5), reports to the Chancellor, Deputy
16 Chancellor, or to any other employee who reports directly to the Chancellor or 2) is under
17 the supervision and control of, or within the organizational unit of, such a management
18 employee.”.

19 (i) Section 2402(a) (D.C. Official Code § 1-624.02(a)) is amended by inserting
20 the phrase “, except those persons separated pursuant to section 801a(e-1),” after the
21 phrase “Career and Educational Services”.

22 Sec. 3. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the
2 fiscal impact statement required by section 602 (c) (3) of the District of Columbia Home
3 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)
4 (3)).

5 Sec. 4. Effective date.

6 This act shall take effect following approval by the Mayor (or in the event of veto
7 by the Mayor, action to override the veto), a 30-day period of Congressional review as
8 provided in section 602 (c) (1) of the District of Columbia Home Rule Act, approved
9 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c) (1)), and publication
10 in the District of Columbia Register.